

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LARRY JONES, *et al.*,

Plaintiffs,

Case No. 21-cv-10441

Hon. Matthew F. Leitman

v.

CITY OF DETROIT, *et al.*,

Defendants.

/

**ORDER DENYING MOTION TO REMAND (ECF No. 36) AND
DIRECTING PLAINTIFFS TO FILE AMENDED COMPLAINT**

Plaintiffs Larry and D'Shawn Jones originally filed this action in state court. In their Complaint, Plaintiffs allege, among other things, that several City of Detroit police officers maliciously prosecuted them and arrested them without probable cause. (*See* Compl., ECF No. 1-1, PageID.7.) Plaintiffs further allege that the officers' misconduct "[v]iolat[ed] the rights afforded to Plaintiffs by the Constitution of the United States of America." (*Id.*) The Complaint does not specifically state that Plaintiffs are bringing claims under 42 U.S.C. §1983. Nonetheless, Defendants understood that Plaintiffs are bringing claims under that statute. Accordingly, Defendants removed the action to this Court on the basis that (1) "plaintiffs' Complaint asserts federal civil rights violations under 42 U.S.C. § 1983," and thus (2) the "Court has original [federal-question] jurisdiction

... under 28 U.S.C. § 1331.” (Notice of Removal, ECF No. 1, PageID.2.) Plaintiffs did not object to the removal, nor did they suggest that they were not asserting claims arising under federal law. Thus, around the time of removal, it appeared that the parties agreed that the Court has original federal-question jurisdiction over this action.

It appears that certain recent correspondence between counsel created some uncertainty as to whether that agreement remains. Accordingly, on March 28, 2023, Plaintiffs filed a motion to remand. (*See* ECF No. 36.) In that motion, Plaintiffs said that Defendants now contend that the Complaint does not assert claims under Section 1983, and Plaintiffs suggested that in light of Defendants’ position, a remand may be in order.

On March 29, 2023, the Court held an on-the-record video status conference to discuss both the motion to remand and the issue of subject-matter jurisdiction. During the conference, Plaintiffs’ counsel clarified that Plaintiffs do not actually want the action remanded and do not believe that the action should be remanded. Instead, Plaintiffs filed the motion to remand seeking an order clarifying and confirming that the Court has subject-matter jurisdiction. Also during the conference, Defendants’ counsel confirmed (albeit grudgingly) that the Complaint does assert claims arising under federal law.

The Court has undertaken an independent review of the subject-matter jurisdiction issue – as it is required to do – and the Court has confirmed that it has federal-question jurisdiction over this action. While the Complaint could have been drafted with greater clarity, the Complaint plainly alleges that the defendant-officers violated Plaintiffs’ federal constitutional rights and seeks relief for those violations. (*See* Compl., ECF No. 1, PageID.7.) Thus, the Complaint is most reasonably read as asserting at least some federal claims under 42 U.S.C. § 1983. That is sufficient to give this Court original federal-question jurisdiction over the action. Accordingly, the Court **DENIES** the motion to remand.

Also during the status conference, Defendants’ counsel raised a concern about the Complaint’s lack of specificity concerning the federal claims being asserted. After discussions with counsel, the Court directed Plaintiffs’ counsel to file an Amended Complaint. That amended pleading must (1) specifically identify the federal constitutional provisions and/or federal laws that Defendants are accused of violating and (2) specifically identify the acts/omissions by Defendants that constitute each federal violation. Plaintiffs shall file the Amended Complaint by **March 31, 2023**. Defendants may file a motion to dismiss the Amended Complaint by **April 14, 2023**. Plaintiffs shall respond to that motion by **May 2, 2023**.

IT IS HEREBY ORDERED.

Dated: March 29, 2023

s/Matthew F. Leitman

MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 29, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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